

**AMENDMENT**

U.S. Appln. No. 10/803,979

**REMARKS**

On page 2 of the Office Action, the Examiner rejects Claims 1, 4, 15-16, 18, 25-28, 41, 43-45 and 48 under 35 U.S.C. § 112, second paragraph.

Specifically, the Examiner states that there is no antecedent basis in Claim 1 for the term "flour" in Claim 15.

In view of the amendment to Claim 15 to place such dependent upon Claim 13, Applicants respectfully submit that this aspect of the Examiner's rejection has been rendered moot.

In addition, the Examiner objects to the expression "centapoise" in Claims 1, 4, 18, 18, 25-28, 43-45 and 48.

In view of the amendments to the claims to correct the typographical error, Applicants respectfully submit that this aspect of the Examiner's rejection has been rendered moot.

In addition, the Examiner states that Claims 16 and 41 are indefinite in that they do not further limit the base claims in that they recite plant protein from the same or other plant species, thus reciting every possible source.

Applicants hereby split Claims 16 and 41 into two additional claims in order to overcome this rejection. That is, in Claims 16 and 41, the additional plant protein is limited to being from the same grain from which the flour is produced. The two new claims (Claims 55-56) are added, wherein the additional plant protein is limited to being from another plant species from which the flour was produced.

In any event, Applicants respectfully traverse the Examiner's assertion that the claims are indefinite, i.e., that the person skilled in the art, having read the specification,

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would have no difficulty in understanding the meaning of "plant protein" for the purpose of carrying out the invention. The specification at page 7, lines 17-21, merely provides examples of plant species from which the protein might be obtained. Applicants are therefore entitled to claim patent protein regardless of species of plant.

In view of the amendments to the Claims 16 and 41, and the addition of new Claims 55-56, Applicants respectfully submit that this aspect of the Examiner's rejection has been rendered moot.

In addition, on page 2 of the Office Action, the Examiner rejects Claims 1-2, 5-17, 19-42 and 46-54 under 35 U.S.C. § 103 as being obvious over U.S. Patent 6,517,625.

Specifically, the Examiner asserts that U.S. Patent 6,517,625 teaches improved compositions for coating paper stock obtained by oxidizing an aqueous mixture at pH 11.3 of wheat protein and wheat starch. The Examiner contends that the combination of wheat starch and wheat protein is patentably indistinguishable from wheat flour.

For the following reasons, Applicants respectfully traverse the Examiner's rejection.

The specification teaches alkali oxidation of an aqueous mixture of plant protein and plant starch, preferably, a mixture obtained by using flour produced by milling grain, such as cereal grains (see Claim 1). Importantly, the specification teaches at page 11, lines 8-11 that alkali oxidation of the mixture is employed so as to form disulfide bonds which are destroyed in earlier parts of the processing. This is in direct contrast to U.S. Patent 6,517,625, which teaches acidic

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reduction of gluten for the express purpose of cleaving disulfide bonds, preferably cleaving up to 100% of the disulfide bonds, and thereby reducing the average molecular weight of the gluten (column 2, lines 41-45; and column 3, lines 22-24). The citation further teaches a reduction in average molecular weight to preferably less than about 1,000 kDa and most preferably from about 20-60 kDa.

Therefore, one skilled in the art would not have been motivated to carry out the present invention having been taught that cleavage of disulfide bonds on gluten and the consequent reduction in molecular weight is required to produce the composition of U.S. Patent 6,517,625. Applicants submit that U.S. Patent 6,517,625 does not teach or suggest that in fact formation of disulfide bonds, particularly in a combined protein/starch mixture, is most desirable.

Accordingly, Applicants respectfully submit that the present invention is not taught or suggested in 6,517,625, and thus request withdrawal of the Examiner's rejection.

On page 3 of the Office Action, the Examiner indicates that Claims 4, 18 and 43-45 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph.

In view of the amendments to the claims and the arguments set forth above, reexamination, reconsideration and allowance are respectfully requested.

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The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,

  
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CUSTOMER NUMBER

Date: March 17, 2006